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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/491,299	01/25/2000	A.J. Paul Carew	066303.0112	8367

7590 12/18/2003

Baker 7 Botts LLP  
2001 Ross Avenue  
Dallas, TX 75201-2980

EXAMINER
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PHUNKULH, BOB A

ART UNIT	PAPER NUMBER
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2661

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DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/491,299

Applicant(s)

CAREW ET AL.

Examiner

Bob A. Phunkulh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 36-84 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 36-84 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/25/2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2, 5-9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 36-39, 41-51, 53-65, 67-76, 78-81, 83-84 are rejected under 35 U.S.C. 102(e) as being anticipated by Pelletier et al. (US 6,411,704), hereinafter Pelletier.

Regarding claim 36, 48, 61, 75 Pelletier discloses a system for supporting oversubscription, comprising:

-a telecommunications switch (the central office 306, in figure 8) operable to assign a plurality of telephone numbers to a line, to receive an incoming call for one of the telephone numbers, and to communicate the incoming call associated with the telephone number using the line (see col. 5 line 59 to col. 6 line 14); and

-a voice gateway (the IP server 308, in figure 8) coupled to the telecommunications switch using the line, the voice gateway operable to receive the incoming call, to detect a distinctive ring, and to communicate the incoming call according to the distinctive ring (see col. 6 lines 29-33).

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Regarding claims 37, 41, 49, 53-55, 62, 65, Pelletier discloses the voice gateway communicates the incoming call by processing the incoming call into digital packets according to the distinctive ring and communicating the digital packets to a customer premises interface for further communication to a customer premises (see col. 6 lines 60-66).

Regarding claims 38, 50, 63, Pelletier discloses the voice gateway processes the incoming call into the digital packets according to the distinctive ring by identifying an address associated with the distinctive ring and assigning the address to the digital packets (see col. 6 lines 60-66).

Regarding claims 39, 51, 64, Pelletier discloses the address is an Internet Protocol (IP), Asynchronous Transfer Mode (ATM), or Frame Relay address (see col. 5 lines 29-34).

Regarding claim 42, Pelletier discloses the telecommunications switch is further operable to assign at least four telephone numbers to the line (*it is known the art that the conventional central office operable to assign at least four telephone numbers to the line*).

Regarding claims 43, 45, 56, 58, 67-70, 72, 75, 77, 80, 82 Pelletier inherently discloses that the voice gateway is operable to identify an available line from a plurality of lines coupled between the telecommunications switch and the voice gateway (when

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the ITG 34 received packets from internet 32, the ITG 34 must use available line in order to complete the call, see figure 4).

Regarding claims 44, 57, 71 Pelletier discloses the voice gateway communicates the outgoing call by receiving digital packets (the ITG 30 received packets from Internet 32), processing the digital packets into a voice signal, and communicating the voice signal to the telecommunications switch using the available line (see figure 4).

Regarding claims 46, 59, 73, 79, 84 Pelletier discloses the telecommunications switch is a Class 5 switch; and the voice gateway is further operable to couple to the Class 5 switch without using an overlay Class 5 switch or digital loop carrier architecture (see col. 6 lines 56-59; and col. 3 lines 13-22).

Regarding claims 47, 60, 74, Pelletier discloses the line is an unbundled analog line (see col. 3 lines 13-22).

Regarding claims 78, 83, Pelletier discloses the unbundled lines are Integrated Services Digital Network Basic Rate Interface (ISDN BRI) lines, each ISDN BRI line operable to simultaneously communicate two voice signals between the telecommunications switch and the voice gateway (see col. 3 lines 12-21).

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 40, 52, 66, 76, 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pelletier in view of Lund (US 5,949,763).

Regarding claims 40, 52, 66, 76, 81 Pelletier fails to explicitly disclose that the customer premises interface is a Digital Subscriber Line Access Multiplexer (DSLAM) operable to communicate the digital packets over a twisted pair in a local loop using a digital subscriber line.

Lund, on the other hand, discloses the central office 20 comprises of DSLAM operable to communicate packets over twisted pair in the local loop using the digital subscriber line (see figure 2).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to provides the teaching of Lund in the system taught by Pelletier in order to provide voice and data services over the existing twisted pairs.

### ***Conclusion***

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

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Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

**Or:**

Hand-delivered responses should be brought to Crystal Park II, 2021

Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bob A. Phunkulh** whose telephone number is **(703) 308-8251**. The examiner can normally be reached on Monday-Friday from 8:00 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor **Douglas W. Olms**, can be reach on **(703) 305-4703**. The fax phone number for this group is **(703) 872-9314**.

**Bob A. Phunkulh**



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December 12, 2003